

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Victor Joe Potter,

Petitioner

v.

Brian Williams,

Respondent

Case No.: 2:19-cv-01875-JAD-VCF

**Order Directing Petitioner to File and  
 Serve Response to Motion to Dismiss by  
 November 30, 2020**

This is a federal habeas proceeding under 28 U.S.C. § 2254 in which petitioner filed an amended habeas petition on January 7, 2020.<sup>1</sup> After requesting several extensions of time, respondents filed a motion to dismiss the petition on July 30, 2020.<sup>2</sup> Under the court's scheduling order, petitioner's response to the motion to dismiss was due on September 28, 2020.<sup>3</sup>

Petitioner has not filed a response to the motion or requested an extension of time within which to do so. Considering the extensions granted to respondents, the court *sua sponte* grants petitioner until November 30, 2020, to file his response. If petitioner does not file a response by November 30, 2020, the court will grant respondents' motion and dismiss this case.<sup>4</sup>

**IT IS THEREFORE ORDERED that petitioner has until November 30, 2020, to file and serve a response to respondents' motion to dismiss (ECF No. 16). If he fails to do so,**

<sup>1</sup> ECF No. 8.

<sup>2</sup> ECF No. 16.

<sup>3</sup> ECF No. 9.

<sup>4</sup> See Local Rule 7-2(d) ("The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.").

1 **the court will construe his silence as consent to grant the motion to dismiss, and this action**  
2 **will be dismissed without further prior notice.** In all other respects, the court's order of  
3 February 18, 2020, (ECF No. 9) governs the scheduling of these proceedings.

4 Dated: October 29, 2020

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7 U.S. District Judge Jennifer A. Dorsey  
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